

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

JOSHUA D. ROMERO,

Petitioner,

v.

Civ. No. 22-730 DHU/GJF

FNU LNU and
ATTORNEY GENERAL FOR THE
STATE OF NEW MEXICO,

Respondents.

**ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED DISPOSITION,
GRANTING MOTION TO DISMISS UNEXHAUSTED CLAIMS, AND
DIRECTING RESPONDENTS TO FILE AN AMENDED ANSWER**

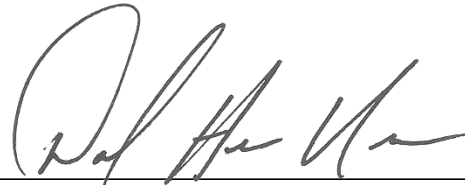
THIS MATTER is before the Court on United States Magistrate Judge Gregory J. Fouratt's Proposed Findings and Recommended Disposition ("PFRD"), which recommended that the Court determine that Petitioner's federal habeas petition is timely on account of statutory tolling and that it set a deadline for Petitioner to voluntarily dismiss the unexhausted claims in his federal habeas petition so that he may proceed only with exhausted claims. Doc. 14. The PFRD notified the parties of their ability to file objections within fourteen days. Neither side filed objections.¹ Moreover, on July 24, 2025, Petitioner filed a document in which he seeks to "dismiss the unexhausted claims in [his] federal habeas petition so that [he] may proceed only with the exhausted claims." Doc. 15. Having now reviewed the PFRD and Petitioner's motion to dismiss unexhausted claims, the Court adopts the former and grants the latter.

IT IS THEREFORE ORDERED that:

¹ "A party's objections to [a PFRD] must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review." *U.S. v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The parties' failure to timely object to the PFRD thus waives appellate review of both factual and legal questions. *In re Key Energy Res. Inc.*, 230 F.3d 1197, 1199–1200 (10th Cir. 2000); *One Parcel of Real Prop.*, 73 F.3d at 1059.

- (1) the PFRD is ADOPTED as an order of this Court;
- (2) Petitioner's motion to dismiss unexhausted claims (Doc. 15) is GRANTED and
Petitioner may proceed in this Court only as to those claims identified in the PFRD
as having been exhausted; and
- (3) on or before August 29, 2025, Respondents may file an amended answer addressing
the merits of the exhausted claims and Petitioner may reply on or before September
12, 2025.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'David H. Urias', is written over a horizontal line.

HONORABLE DAVID H. URIAS
UNITED STATES DISTRICT JUDGE